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**BEFORE THE
BOARD OF PODIATRIC MEDICINE
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. 1B-2003-148878

MARK F. CATLEY, D.P.M.
4487 East Ridge Gate Road
Anaheim Hills, CA 92807
Doctor of Podiatric Medicine
License No. E-4352

ACCUSATION

Respondent.

Complainant alleges:

PARTIES

1. James Rathlesberger (Complainant) brings this Accusation solely in his official capacity as Executive Officer of the Board of Podiatric Medicine. (Board.)
2. On or about June 27, 2001, the Board issued Doctor of Podiatric Medicine License No. E-4352 to Mark F. Catley, D.P.M. (Respondent). The license was in full force and effect at all times relevant to the charges brought herein, and will expire on March 31, 2009, unless renewed.

JURISDICTION

3. This Accusation is brought before the Board of Podiatric Medicine, Department of Consumer Affairs, State of California, under the authority of the following laws.

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1 All section references are to the Business and Professions Code (Code) unless otherwise
2 indicated:

3 A. Section 2222 of the Code states:

4 "The California Board of Podiatric Medicine shall enforce and administer
5 this article as to doctors of podiatric medicine. Any acts of unprofessional
6 conduct or other violations proscribed by this chapter are applicable to licensed
7 doctors of podiatric medicine and wherever the Medical Quality Hearing Panel
8 established under Section 11371 of the Government Code is vested with the
9 authority to enforce and carry out this chapter as to licensed physicians and
10 surgeons, the Medical Quality Hearing Panel also possesses that same authority as
11 to licensed doctors of podiatric medicine.

12 "The California Board of Podiatric Medicine may order the denial of an
13 application or issue a certificate subject to conditions as set forth in Section 2221,
14 or order the revocation, suspension, or other restriction of, or the modification of
15 that penalty, and the reinstatement of any certificate of a doctor of podiatric
16 medicine within its authority as granted by this chapter and in conjunction with
17 the administrative hearing procedures established pursuant to Sections 11371,
18 11372, 11373, and 11529 of the Government Code. For these purposes, the
19 California Board of Podiatric Medicine shall exercise the powers granted and be
20 governed by the procedures set forth in this chapter."

21 B. Section 2497 of the Code states:

22 "(a) The [B]oard may order the denial of an application for, or the suspension of,
23 or the revocation of, or the imposition of probationary conditions upon, a certificate to
24 practice podiatric medicine for any of the causes set forth in Article 12 (commencing with
25 Section 2220) in accordance with Section 2222.

26 "(b) The [B]oard may hear all matters, including but not limited to, any contested
27 case or may assign any such matters to an administrative law judge. The proceedings
28 shall be held in accordance with Section 2230. If a contested case is heard by the [B]oard

1 itself, the administrative law judge who presided at the hearing shall be present during the
2 [B]oard's consideration of the case and shall assist and advise the [B]oard."

3 C. Section 2234 of the Code states:

4 "The [Board] shall take action against any licensee who is charged with
5 unprofessional conduct. In addition to other provisions of this article, unprofessional
6 conduct includes, but is not limited to, the following:

7 "(a) Violating or attempting to violate, directly or indirectly, assisting in or
8 abetting the violation of, or conspiring to violate any provision of this chapter [Chapter 5,
9 the Medical Practice Act].

10 "....

11 "(e) The commission of any act involving dishonesty or corruption which
12 is substantially related to the qualifications, functions, or duties of a [doctor of
13 podiatric medicine]."

14 D. Section 2236 of the Code states:

15 "(a) The conviction of any offense substantially related to the
16 qualifications, functions, or duties of a [doctor of podiatric medicine] constitutes
17 unprofessional conduct within the meaning of this chapter. The record of
18 conviction shall be conclusive evidence only of the fact that the conviction
19 occurred.

20 "....

21 "(d) A plea or verdict of guilty or a conviction after a plea of nolo
22 contendere is deemed to be a conviction within the meaning of this section and
23 Section 2236.1. The record of conviction shall be conclusive evidence of the fact
24 that the conviction occurred."

25 E. Section 810 of the Code states:

26 "(a) It shall constitute unprofessional conduct and grounds for disciplinary action,
27 including suspension or revocation of a license or certificate, for a health care
28 ///

1 professional to do any of the following in connection with his or her professional
2 activities:

3 "(1) Knowingly present or cause to be presented any false or fraudulent claim for
4 the payment of a loss under a contract of insurance.

5 "(2) Knowingly prepare, make, or subscribe any writing, with intent to present or
6 use the same, or to allow it to be presented or used in support of any false or fraudulent
7 claim.

8 ". . . ."

9 F. Section 2497.5 of the Code states:

10 "(a) The [B]oard may request the administrative law judge, under his or her
11 proposed decision in resolution of a disciplinary proceeding before the [B]oard, to direct
12 any licensee found guilty of unprofessional conduct to pay to the [B]oard a sum not to
13 exceed the actual and reasonable costs of the investigation and prosecution of the case.

14 "(b) The costs to be assessed shall be fixed by the administrative law judge and
15 shall not in any event be increased by the [B]oard. When the [B]oard does not adopt a
16 proposed decision and remands the case to an administrative law judge, the
17 administrative law judge shall not increase the amount of any costs assessed in the
18 proposed decision.

19 "(c) When the payment directed in the [B]oard's order for payment of costs is not
20 made by the licensee, the [B]oard may enforce the order for payment by bringing an
21 action in any appropriate court. This right of enforcement shall be in addition to any
22 other rights the [B]oard may have as to any licensee directed to pay costs.

23 "(d) In any judicial action for the recovery of costs, proof of the [B]oard's
24 decision shall be conclusive proof of the validity of the order of payment and the terms
25 for payment.

26 "(e)(1) Except as provided in paragraph (2), the [B]oard shall not renew or
27 reinstate the license of any licensee who has failed to pay all of the costs ordered under
28 this section.

1 "(2) Notwithstanding paragraph (1), the [B]oard may, in its discretion,
2 conditionally renew or reinstate for a maximum of one year the license of any licensee
3 who demonstrates financial hardship and who enters into a formal agreement with the
4 [B]oard to reimburse the [B]oard within one year period for those unpaid costs.

5 "(f) All costs recovered under this section shall be deposited in the Podiatry Fund
6 as a reimbursement in either the fiscal year in which the costs are actually recovered or
7 the previous fiscal year, as the [B]oard may direct."

8 FIRST CAUSE FOR DISCIPLINE

9 (Criminal Conviction)

10 4. Respondent is subject to disciplinary action under Code sections 2222,
11 2497 and 2236, in that he was convicted of a crime substantially related to the qualifications,
12 functions, or duties of a doctor of podiatric medicine as follows:

13 A. On or about June 18, 2003, in an Indictment filed in United States
14 District Court for the Eastern District of California, entitled *United States of*
15 *America v. Mark Catley*, No. CR.S-03-0288, respondent was charged with Health
16 Care Fraud and Aiding and Abetting in violation of title 18 U.S.C. §§1347, and 2.

17 B. The facts resulting in the filing of the federal indictment are as
18 follows: From or about October 1, 2001 through or about February 28, 2002,
19 respondent, a Medi-Cal provider, billed Medi-Cal for podiatric services that were
20 not provided. Respondent failed to disclose that unlicensed individuals provided
21 pedicures and other treatments not covered by Medi-Cal but that were billed as
22 covered podiatric services. The services were provided at the clinic located at
23 10821 Oxnard Boulevard, North Hollywood, California. Respondent defrauded
24 Medi-Cal of approximately \$195,00.00.

25 C. On or about January 30, 2006, a Superseding Information was filed
26 charging respondent with one count of a violation of title 18 U.S.C. §1003,
27 Demands Against the United States, to which he pleaded guilty on May 17, 2007.
28 He was sentenced to 48 months probation on certain terms and conditions,

1 including but not limited to restitution of \$195,000.00 and an 80-day home
2 detention.

3 SECOND CAUSE FOR DISCIPLINE

4 (Dishonesty)

5 5. Respondent is subject to disciplinary action under Code sections 2222,
6 2497 and 2234 subdivision (e), in that he committed dishonesty substantially related to the
7 qualifications, functions, or duties of a doctor of podiatric medicine, as specifically set forth in
8 paragraphs 4.A. through 4. C., above, which are incorporated herein by reference.

9 THIRD CAUSE FOR DISCIPLINE

10 (False or Fraudulent Claims)

11 6. Respondent is subject to disciplinary action under Code sections 2222,
12 2497 and 810, subdivisions (a)(1) and/or (2), in that he presented false or fraudulent claims for
13 the payment of a loss under a contract of insurance and/or prepared, made, or subscribed a
14 writing, with intent to present or use the same, or to allow it to be presented or used in support of
15 any false or fraudulent claim as specifically set forth in paragraphs 4.A. through 4.C., above,
16 which are incorporated herein by reference.

17 **PRAYER**

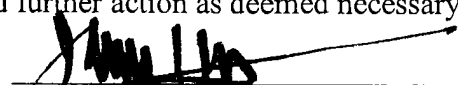
18 WHEREFORE, Complainant requests that a hearing be held on the matters herein
19 alleged, and that following the hearing, the Board issue a decision:

20 1. Revoking, suspending or imposing other discipline on Doctor of Podiatric
21 Medicine License No. E-4352, issued to Mark F. Catley, D.P.M.;

22 2. Ordering Mark F. Catley, D.P.M. to pay to the Board the reasonable costs
23 of the investigation and enforcement of this case, pursuant to Business and Professions Code
24 section 2497.5; and,

25 3. Taking such other and further action as deemed necessary and proper.

26 DATED: October 23, 2007

27 
JAMES RATHLESBERGER,
Executive Officer
Board of Podiatric Medicine
Complainant